

FISCAL NOTE

HB 3200 - SB 3193

April 4, 2000

SUMMARY OF BILL: Prohibits payment of state funds for compensation for services or salary to attorneys, public defenders, and post conviction defenders who have admitted or been found by the court to have rendered ineffective assistance of counsel in a criminal case.

ESTIMATED FISCAL IMPACT:

State Expenditures - Net Impact - Not Significant

Estimate assumes:

- any public defender or post conviction defender found to have rendered ineffective assistance of counsel would be terminated from state employment and the state would incur the cost of recruitment of a replacement. It is assumed that salaries previously paid to public defenders or post conviction defenders could not be recouped.
- private attorneys appointed to represent indigent defendants found to have rendered ineffective assistance of counsel would not be appointed to represent any future cases and would not be paid for any cases in progress which would require appointment of another attorney. It is assumed that these circumstances would result in delays in the judicial process that may result in increased costs.
- eliminating the use of attorneys found by the court to have rendered ineffective assistance of counsel may result in fewer cases being retried and potentially result in a decrease in state expenditures in cases involving public defenders, post-conviction defenders or attorneys appointed to represent the indigent. The amount of such decrease cannot be determined.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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